T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			09-May-07	į	APPL. S. N:		10079956	
To Exami	ner:		HO, DUC C.		Art Unit		2616	
From			Gunter-Riley, Joyce PARALEGAL SPCECIALI	IST	Return This Memo To: Drop-Off Location	Case	JEF-2D68	
SUBJECT	r: Decisio	n on Terminal	Disclaimer(T.D.) filed:					
form para or have a	agraphs in iny quest	dentified by th ions, please s	nis informal memo in yo ee me or the Special Pro	ur next O ogram Exa	ffice action to notify app aminer. THIS IS AN INFO	olicant of the order of the ord	ee, please use the appropriate he T.D. If you disagree ITERNAL MEMO ONLY. E. When your action is complete,	
please ini	itial, date	and return th	nis memo to me. THANK	YOU.				
E	The T.D.	is PROPER an	d has been recorded (se	ee 14.23)				
	The T.D.	is NOT PROPE	R and has not been acc	epted for	the reason(s) checked	below (see	e 14.24):	
	The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account							
	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01). The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01). The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
	The person who signed the T.D.:							
		is n	ot an attorney "of recor	d" (see 14	4.29 and 14.29.01).			
		has	failed to state his/her c	apacity to	sign for the business e	ntity (see	14.28).	
		is n	ot recognized as an offic	er of the	assignee (see 14.29 &	possible 14	4.29.02).	
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
		The T.D. is not signed (see 14.26 & 14.26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
	The serial number of this application (or the number of the patent in reexam or disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						reissue cases being	
		The period di	sclaimed is incorrect or	not speci	fied (see 14.26, 14.27.0	2 or 14.26	5.03).	
		Other:						
	<u> </u>		request refund (see 14 neck this item.	1.36). NO	TE: If already authorize	d, credit re	efund to deposit account	
I have ap	propriate	ly notified app	olicant(s) of the status o	of the Ter	minal Disclaimer filed in	this case.		
Ex.Initials	s:	Dat	e:				Log Date:	

10/079,956	entrol No.	Applicant(s)/Patent (Reexamination PADOVANI ET AL.	under						
	Internal Document – DO NOT MAIL								
☑ APPROVED		☐ DISAPPROVED							
This patent is subject to a Terminal Disclaimer									
Approved/Disapproved by:									
Henry D. Jefferson									
	10/079,956 ☑ APPROV This patento a Tender Discl	Internal De APPROVED This patent is subject to a Terminal Disclaimer	Internal Document – DO APPROVED □ DISAPP This patent is subject to a Terminal Disclaimer						

Application/Control No.

Applicant(s)/Patent under

U.S. Patent and Trademark Office

DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of United States Patent No. 7,072,628 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 7,072,628, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 7,072,628, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or are terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026.

Respectfully submitted,

Dated: April 30, 2007 By: /François A. Pelaez/

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Attorney Docket No.: 010536

Customer No.: 23696

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Appl. No.

10/079,956

Confirmation No. 9226

Applicant

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Roberto Padovani

Filed

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February 19, 2002

Art Unit

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2616

Examiner

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Duc Chi Ho

Docket No.

010536

Customer No.

23696

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION UNDER 37 CFR §1.321(c)

I, François A. Pelaez, am the agent of record for this invention. The assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

CERTIFICATE OF TRANSMISSION (37 CFR 1.8(a)) ELECTRONIC FILING

I hereby certify that this correspondence is, on the date shown below, being electronically transmitted to the United States Patent and Trademark Office on April 30, 2007.

Depositor's Signature: /Cris E. Johnson/